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Attorney for U.S.BANK, N.A. ITS ASSIGNS AND/OR SUCCESSORS IN INTEREST

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

IN RE: § CASE NO. 09-30702-H4-13  
§  
RAYMOND NANEZ AND § CHAPTER 13  
NOEMI GARCIA NANEZ §  
Debtors §  
§

**RESPONSE OF U.S.BANK, N.A., ITS ASSIGNS AND/OR SUCCESSORS IN INTEREST  
TO MOTION TO COMPEL U.S. BANK HOME MORTGAGE TO COMPLY WITH LOCAL RULE  
3015-1(b), THE CHAPTER 13 TRUSTEE PROCEDURES FOR ADMINISTRATION OF  
HOME MORTGAGE PAYMENTS, AND TO  
DETERMINE MORTGAGE PAYMENT  
[DOCKET #68]**

TO THE HONORABLE BANKRUPTCY JUDGE JEFF BOHM:

COMES NOW U.S. BANK, N.A., ITS ASSIGNS AND/OR SUCCESSORS IN INTEREST (hereafter "U.S. Bank") a secured creditor in the above referenced Bankruptcy Case and files this it's Response to Motion to Compel U.S. Bank Home Mortgage to Comply with Rule 3015-1(b), The Chapter 13 Trustee Procedures for Administration of Home Mortgage Payments, and to Determine Mortgage Payment (hereafter the "Motion") and would show this Honorable Court as follows:

1. U.S. Bank would show this Honorable Court that it has filed a correct payment adjustment notice with the court pursuant to the Chapter 13 Trustee Procedure for Administration of Home Mortgage Payments and local Rule 3015-1(b) (See docket entry #73). A true and correct copy of the conforming Notice of Mortgage Payment Adjustment is

attached hereto marked Exhibit "A" and is incorporated herein by reference. U.S. Bank has additionally updated its procedures to insure future compliance with the Chapter 13 Trustee Procedure for Administration of Home Mortgage Payments and local Rule 3015-1(b).

2. Based upon the foregoing, the Chapter 13 Trustee has determined that U.S. Bank is now in compliance with the local rules and that his requested relief is now moot. The Chapter 13 Trustee thereafter filed a Motion to Withdraw the Motion under docket #74.
3. By way of further answer, if any be necessary, U.S. Bank admits the allegations contained in paragraph 1 of the Motion.
4. U.S. Bank has now complied with the Trustee's request and is in compliance with Chapter 13 Trustee Procedure for Administration of Home Mortgage Payments and local Rule 3015-1(b). Subject to the foregoing, U.S. Bank admits the allegations contained in paragraph 2 of the Motion to the extent that U.S. Bank was not in compliance prior to the filing of the Motion.
5. U.S. Bank admits the allegations contained in paragraph 3 of the Motion. However, U.S. Bank has now complied with the Trustee's request.
6. U.S. Bank admits the allegations contained in paragraph 4 of the Motion. U.S. Bank has now complied with the Trustee's request and provided the Trustee with the information necessary to proceed with completion of the plan.

7. U.S. Bank has complied with the Trustee's request and provided the Trustee with the information necessary to determine the appropriate mortgage payment amount. U.S. Bank admits the allegations contained in paragraph 5 of the Motion.

WHEREFORE, PREMISES CONSIDERED, U.S. BANK, N.A., ITS ASSIGNS AND/OR SUCCESSORS IN INTEREST prays that this Court deny the Trustee's Motion and for any and such further relief to which U.S. BANK, N.A., ITS ASSIGNS AND/OR SUCCESSORS IN INTEREST may be justly entitled.

Respectfully submitted,

BARRETT DAFFIN FRAPPIER  
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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing pleading was served on May 19, 2010. Service was accomplished in the manner indicated below:

/s/ MITCHELL J. BUCHMAN  
MITCHELL J. BUCHMAN  
TBA# 03290750

BY ELECTRONIC NOTICE OR REGULAR FIRST CLASS MAIL:

Debtors: RAYMOND NANEZ  
NOEMI GARCIA NANEZ  
622 JEFFERSON STREET  
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Trustee: DAVID G. PEAKE  
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RICHARD W. AURICH, JR.  
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Debtors'  
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Parties in Interest:

NONE

Parties Requesting Notice:

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